

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Barbara Thomas,

Plaintiff,

v.

**Jo Anne B. Barnhart,
Commissioner of Social Security,**

Defendant.

C/A No. 8:04-21935-CMC-BHH

OPINION AND ORDER

Plaintiff filed a complaint seeking judicial review of the final decision of the Commissioner denying her claim for disability benefits pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g). The matter is currently before the court for review of the Report and Recommendation of Magistrate Judge Bruce H. Hendricks made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a) D.S.C.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation to which a specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to her with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, ___ F.3d ___, 2005 WL 1713188, at *3 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting

Fed. R. Civ. P. 72 advisory committee's note).

The United States Magistrate Judge has filed her Report and Recommendation, in which she concludes that the Administrative Law Judge's findings are supported by substantial evidence and recommends the decision of the Commissioner be affirmed. No objections have been filed and the time for doing so has expired.

After reviewing the record, the applicable law, the briefs of counsel and the findings and recommendations of the Magistrate Judge, the court finds no clear error and hereby adopts the Report of the Magistrate Judge, which is incorporated into this order. For the reasons set out therein, the final decision of the Commissioner is **AFFIRMED**.

IT IS SO ORDERED

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 23, 2005